

Application Number 10/661,071
Amendment Date 8/25/2005
Reply to Office action of 05/12/2005

REMARKS / ARGUMENTS

Claims 1, 11 and 15 have been amended. Claims 1-16 remain in the application.

Reexamination and reconsideration of the application, as amended, are requested.

Claims 1, 11 and 15 have been amended to limit rhombi forming knight tour polygons for assembly into multidimensional shapes. Basis for this limitation appears on page 2, line 21 and page 3, lines 5-6 of the specification.

The office action states that the listing of references in the specification is not a proper information disclosure statement. Applicant regrets the oversight.

Claims 1-16 stand rejected under 35 USC 101 as failing to claim patentable utility.

The claims are believed to have patentable utility due to meeting the stated objective, it is an object of the present embodiment of the invention is to provide a geometric craft and educational kit for craft and educational kit based on a geometric representation of the movement of a chessboard knight.

When a properly claimed invention meets at least one stated objective, utility under section 101 is clearly shown An invention need not be the best or the only way to accomplish a certain result, and it need only be useful to some extent and in certain applications. *Carl Zeiss Shifting v. Renishaw plc*, 945 F.2d, 1173, 20 USPQ 2d 1094, 100 (Fed. Cir. 1991).

The claims are believed to have patentable utility because of the interaction between the punch out sheet geometry and the physical structure that the student interacts with in building the geometric craft.

The invention here is more than an arrangement of printed matter on a piece of paper. There is a definite and decided relationship between the physical structure and the printed matter. The one depends upon the other. In other words, there is a cooperative relationship between the

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printed indicia and the structural features of the ticket. *Flood v. Coe*, 45 USPQ 72 (D.D.C. 1940)

Claims 1-16 stand rejected under 35 USC 112, second paragraph, as being indefinite. The Official Action states that claim 1 is not clear by the phrase "said rhombic said first ends". Claim 11 recites the phrase "said triangular outline", it is unclear if the phrase refers to each triangular outline or one of the triangular outlines. Clarification of these limitations is required.

Claims 1, 11, and 15 have been amended to clarify that it is the "said rhombic first end" that is being limited. Claim 11 has been amended to clarify that "said triangular outline" refers to "each said triangular outline".

Claims 1-16 stand rejected under 35 USC 103(a), as being unpatentable over Matos (US Pat. No. 6,523,826).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of the punch out sheet in the manner suggested would not allow the prior art to work in the following way. The Matos '826 reference is for a folding puzzle picture, Col. 8, lines 55-56. The instant invention claims a punch-out sheet having cut therein a plurality of faces having rhombi forming knight tour polygons for assembly into multidimensional shapes.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of Matos '826. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of the folding sheet in the manner suggested would change the principle of operation of the above stated reference in the following way. The Matos '826 reference is for a folding puzzle picture, Col. 8, lines 55-56. The instant invention claims a punch-out sheet having cut therein a plurality

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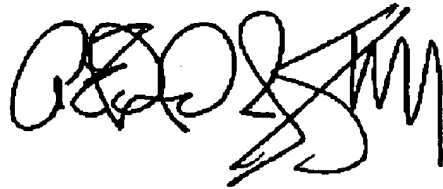
of faces having rhombi forming knight tour polygons for assembly into multidimensional shapes.

The dependent claims add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable.

The subsidiary references, David, US Patent Number 6,152,797, Davison, US Patent Number 6,108,982, Alexander et al, US Patent Number 4,506,891, Lalvani, US Patent Number 5,155,951, Gephardt, US Patent Number 4,310,994, Witte, US Patent Number 5,393,579, and Coppa, US Patent Number 4,142,321, have been studied, but are submitted to be less relevant than the relied upon references.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully,



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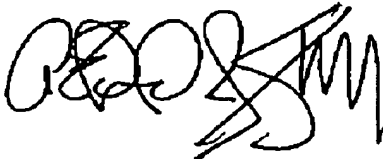
Attorney for Applicant

Date: August 25, 2005

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I hereby certify that this correspondence is being transmitted by fax to the United States Patent and Trademark Office on the date shown below.

Anthony Edw. J Campbell



Thursday, August 25, 2005